

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA**

LISA LAMBERT)	
)	
)	
v.)	
)	Civil Action No. 96-247
)	Judge Sean J. McLaughlin
WILLIAM WOLFE; KEITH)	Magistrate Judge Susan Paradise Baxter
BARLETT, JOHN RAUN;)	
JAMES EICHER; and VICTORIA)	
KORMANIC)	
)	
)	Electronically Filed

DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

AND NOW, come the Defendants, Wolfe, Bartlett, Raun, and Kormanic by their attorneys, Thomas W. Corbett, Jr., Attorney General, Robert A. Willig, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section and respectfully request that summary judgment be granted in their favor for the following reasons:

1. The pleadings, depositions, answers to interrogatories, and admissions on file, etc. show that there is no genuine issue as to any material fact, pursuant to Fed.R.Civ.Pro. Rule 56(c), concerning Plaintiff's claims against the defendants.

2. Specifically, Plaintiff fails to allege the personal involvement of superintendent Wolfe and Captain Bartlett and she cannot show that she faced a substantial risk of harm to which Wolfe and Bartlett were deliberately indifferent.

3. Visual strip searches are constitutional. The November 22, 1994 visual search of Plaintiff was done in a reasonable manner, was not maliciously or sadistically motivated, and was done for obvious penological and institutional reasons.

4. Defendant Raun's alleged misconduct prior to August 20, 1994 is barred by the statute of limitations.

5. A brief in support and Defendants' statement of material facts not in dispute are incorporated by reference.

6. The following documents have been attached hereto:

Attachment A:	Deposition of William Wolfe
Attachment B:	SCI-Cambridge Springs Inmate Count for September 25, 1992
Attachment C:	Deposition of John Raun
Attachment D:	Table of Inappropriate Social or Sexual Contact With SCI-Cambridge Springs Inmates
Attachment E:	Department of Corrections Code of Conduct
Attachment F:	DC-173 Form-Receipt of Code of Ethics Handbook
Attachment G:	Excerpt of Deposition of Vaughn Davis
Attachment H:	Excerpt of Deposition of Mike Wolanin
Attachment I:	Deposition of Ronald Lazenby
Attachment J:	Deposition of Sandra Wolfgang
Attachment K:	Deposition of Keith Bartlett
Attachment L:	Wolfe Memoranda Ordering Internal SCI-Cambridge Springs Investigations
Attachment M:	Wolfe Memoranda Requesting OPR Assistance
Attachment N:	Documentation <i>Re</i> Wolfe's Actions towards Eicher, Walton, and Miller
Attachment O:	Deposition of Roger Beck
Attachment P:	Deposition of Victoria Kormanic

Attachment Q: Videotape of Vaughn Davis Lecture¹

Attachment R: Form Confirming that SCI-Cambridge Springs Employee Viewed Davis Tape, Read Code of Conduct, and Understood Both

Attachment S: Memorandum Concerning Installation of Cameras at SCI-Cambridge Springs

Attachment T: OPR Investigation Cover Sheet of John Raun – June 24, 1994

Attachment U: Deposition of Lisa Lambert

Attachment V: Lancaster County Court of Common Pleas Order

Attachment W: A.T.A. Paperwork

Attachment X: November 22, 1994 Videotape of Plaintiff's Return to SCI-Cambridge Springs.

Attachment Y: DC Form 78

Attachment Z: BC-ADM 203, Searches of Inmates and Cells

Attachment AA: Epstein, Wolfe, and Fulcomer Correspondence

¹ Defendants have forwarded to this Court Attachments Q and X – two videotapes. To the best of Defendants' knowledge, these tapes were previously provided to Plaintiff during discovery. If the Defendants are in error, they will forward copies of the tapes onto Plaintiff's counsel upon request.

WHEREFORE, it is respectfully requested that partial summary judgment be entered in favor of the Defendants.

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General

BY: /s/ Robert A. Willig
ROBERT A. WILLIG
Senior Deputy Attorney General
PA I.D. No. 53581

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: October 26, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Defendants' Partial Motion for Summary Judgment** was served upon the following by ECF this 26th day of October 2006:

Angus Love
Sue Ming Yeh
Pennsylvania Institutional Law Project
718 Arch Street, Suite 304 South
Philadelphia, PA 19106

I hereby certify that a true and correct copy of the within **Defendants' Partial Motion for Summary Judgment** was served upon the following via first class mail this 26th day of October 2006:

James Eicher
209 McConnell Road
New Wilmington, PA 16142

/s/ Robert A. Willig
ROBERT A. WILLIG
Senior Deputy Attorney General

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Date: October 26, 2006